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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,921	01/17/2006	Bart Gerard Bernard Barenbrug	NL030896	5298
65913	7550	06/18/2008		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER CASCHERA, ANTONIO A	
			ART UNIT 2628	PAPER NUMBER
			NOTIFICATION DATE 06/18/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

### Office Action Summary

**Application No.**

10/564,921

**Applicant(s)**

BARENBRUG ET AL.

**Examiner**

Antonio A. Caschera

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 1-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

#### ***Specification***

2. The abstract of the disclosure is objected to because the abstract comprises figure reference numerals which should be omitted. Correction is required. See MPEP § 608.01(b).

#### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: #610 of Figure 6, #942 of Figure 9 and #1042 of Figure 10. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any

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required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

4. Claims 1-5 are objected to because of the following informalities:
- a. In reference to claim 1, claim 1 comprises figure reference numerals which should be omitted from the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 6 and 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In reference to claim 6, the language of the claim raises questions as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Specifically, newly implemented practices and procedures directed towards the analysis of claim language as per 35 U.S.C. 101 question the “method of mapping primitives...” as disclosed in claim 6. The above claimed processes are not (1) tied to another statutory class (such as a particular apparatus) or (2) do not transform underlying subject matter to a different state or thing. Therefore the method is

not a patent eligible process under 35 U.S.C. 101 and is rejected as being directed to non-statutory subject matter.

In reference to claim 7, the language of the claim raises questions as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Specifically, newly implemented practices and procedures directed towards the analysis of claim language as per 35 U.S.C. 101 question the antecedent basis for the claimed terminology of "a computer program" as recited in claim 7. Specifically, as claimed, the "computer program" by itself does not fall into one of the statutory classes as it is not accompanied by functionally descriptive language (i.e. some sort of computer readable medium). Therefore, the "computer program" by itself is simply seen as some sort of data which, again by itself, is nonstatutory and thereby necessitates such a rejection.

Further however, with reference to the "computer readable medium" or other functionally descriptive language potentially needed to make such claimed program statutory, the specification does clearly suggest to one of ordinary skill in the art that such a computer medium could be one of signals, record carrier such as wired or wireless communication means or other forms of propagation and transmission media (page 13, lines 1-7 and 20-23 of Applicant's specification) which fail to be an appropriate manufacture under 35 U.S.C. 101 in the context of computer-related inventions and therefore would require the rejection of claim 7 under such reasoning.

*Allowable Subject Matter*

6. Claims 1-5 would be deemed allowable if the objection to claim 1 were to be corrected for. In reference to claim 1, the prior art of record does not explicitly disclose a resampler operative to resample data from a texture map of a corresponding primitive to a corresponding pixel by operatively selecting a resampling algorithm for a set of at least two distinct resampling algorithms, the selection being in dependence on a size of the primitive, in combination with the further limitations of claim 1.
7. Further, claims 6 and 7 would also be deemed allowable if such 35 USC 101 rejections were corrected for. In reference to claim 6, the prior art of record does not explicitly disclose resampling in a texture space, data from a texture map, resampling in screen space, the texture data corresponding to pixel data of a display image, so that the a resampling algorithm is selected for both resampling operations by operatively selecting a resampling algorithm for a set of at least two distinct resampling algorithms, the selection being in dependence on a size of a primitive, in combination with the further limitations of claim 6.

*References Cited*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
  - a. Zwicker et al. (U.S. Patent 6,744,435)
    - i. Zwicker et al. discloses a method that produces an image from a set of discrete sample points using a continuous resample filter.
  - b. Gossett (U.S. Patent 6,232,981)

- i. Gossett discloses a method of determining level of detail values for texture data of pixel quads.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**571-273-8300 (Central Fax)**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

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/Antonio A Caschera/

Examiner, Art Unit 2628

Temporary Full Signatory Authority

**6/17/08**